

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENWOOD DIVISION**

TITAN FARMS, LLC, CARR FARMS, INC.,	)	
TITAN PEACH FARMS, INC., CHALMERS	)	
CARR and LORI ANNE CARR,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO. _____
	)	
v.	)	
	)	
PGIM REAL ESTATE FINANCE, LLC	)	
	)	
Defendant.	)	

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**DEFENDANT PGIM REAL ESTATE FINANCE LLC'S  
NOTICE OF REMOVAL**

Defendant PGIM Real Estate Finance LLC (“PGIM”) hereby removes the above-captioned civil action from the Court of Common Pleas, State of South Carolina, County of Edgefield (the “State Court Action”) to the United States District Court for the District of South Carolina, Greenwood Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. The grounds for removal are:

**BASIS FOR REMOVAL**

1. Plaintiff Titan Farms LLC (“Titan”) is a limited liability company organized under the laws of South Carolina, with its sole member and 100% owner being an individual citizen and resident of South Carolina. (*See infra* at ¶ 4, Plaintiff Chalmers Carr).
2. Plaintiff Carr Farms, Inc. (“Carr Farms”) is corporation organized under the laws of South Carolina, with a principal place of business in Ridge Spring, South Carolina.
3. Plaintiff Titan Peach Farms, Inc. (“Titan Peach”) is corporation organized under the laws of South Carolina, with a principal place of business in Ridge Spring, South Carolina.
4. Plaintiff Chalmers Carr (“Mr. Carr”) is an individual citizen and resident of South Carolina.

5. Plaintiff Lori Anne Carr (“Ms. Carr”) is an individual citizen and resident of South Carolina.

6. Titan, Carr Farms, Titan Peach, Mr. Carr, and Ms. Carr, (collectively “the Plaintiffs”), are each citizens of South Carolina for purposes of federal diversity jurisdiction.

7. Defendant PGIM is a limited liability company organized under the laws of Delaware, with its sole member and 100% owner being PGIM Real Estate Finance Holding Company (“PGIM Holding Co.”). PGIM Holding Co. is a corporation organized under the laws of New Jersey, with a principal place of business in Atlanta, Georgia.

8. Defendant PGIM is thus a dual citizen of New Jersey and Georgia for purposes of federal diversity jurisdiction.

9. On or about January 10, 2023, Plaintiffs collectively filed suit against PGIM in the Court of Common Pleas, State of South Carolina, County of Edgefield, alleging seven (7) separate causes of action.<sup>1</sup> (*Compl.*, ¶¶ 48 - 101.) The action is currently pending as Case No. 2023-CP-1900010.

10. Defendant PGIM was first served with a copy of the Summons and Complaint through its registered agent on January 13, 2023.

11. In its Complaint, the Plaintiffs claim that PGIM has allegedly “caused substantial damages to Titan” by “wrongfully withholding more than \$800,000 of Titan’s funds” which purportedly entitles Plaintiffs “to recover actual and punitive damages.” (*Compl.*, ¶ 46-47.)

12. Removal is proper because complete diversity exists between the parties, as all Plaintiffs are citizens of different states than is Defendant PGIM, and the amount in controversy exceeds \$75,000.00. *See* 28 U.S.C. § 1332.

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<sup>1</sup> The causes of action as alleged in the Complaint are: (1) Unfair Trade Practices Act; (2) negligent misrepresentation; (3) negligence; (4) fraud; (5) quantum meruit; (6) promissory estoppel; and (7) conversion.

13. This Notice of Removal is timely filed under 28 U.S.C. § 1446 (b) because it is being filed within thirty (30) days of Defendant PGIM’s receipt of the Summons and Complaint.

14. Copies of “all process, pleadings, and orders” from the State Court Action are submitted herewith as “**Composite Exhibit A.**”

15. A copy of this Notice of Removal is being filed with the Court of Common Pleas for Edgefield County, South Carolina, and is being served on all counsel of record pursuant to 28 U.S.C. § 1446 (a) & (d). A copy of the Court of Common Pleas Notice is attached as **Exhibit B.**

### **CONCLUSION**

THEREFORE, PGIM hereby removes the instant litigation from the Court of Common Pleas, State of South Carolina, County of Edgefield, and requests that this Court take jurisdiction of the same pursuant to 28 U.S.C. § 1332, to the exclusion of any further proceedings in the State Court Action.

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Respectfully submitted this 10th day of February 2023.

s/Wade S. Kolb, III

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